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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/797,438

03/10/2004

John P. Godwin

PD-990228A

4478

20991 7590 12/19/2008
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PATENT DOCKET ADMINISTRATION
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EXAMINER

PEREZ, ANGELICA

ART UNIT

PAPER NUMBER

2618

MAIL DATE

DELIVERY MODE

12/19/2008

PAPER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/797,438

Filing Date: March 10, 2004

Appellant(s): GODWIN, JOHN P.

Todd N. Snyder

For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/14/08 appealing from the Office action mailed 5/19/08.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(4) Status of Amendments After Final

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,160,545	EYER	12-2000
6,347,216	MARKO	2-2002
6,564,143 B1	ALEWINE	5-2003
7,143,289 B2	DENNING	11-2006

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 39-54 and 57-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eyer et al. (Eyer, US Patent no.: 6,160 545 A) in view of Marko et al. (Marko, US006347216B1).

Regarding claims 39, 45, 47 and 52, Eyer teaches a repeater (figure 1, item 130, where it transfer information form other sources; thus, repeater), comprising: a receiver (figure 1, items 120 and 150, where it receives information form satellite 100 through transmitter 110 and from CATV 140; column 21, lines 5-7), disposed in one of a plurality

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of local broadcast regions within a national broadcast region (column 6, lines 59-64, where the IRD is in a local region that are within the national broadcast region), the repeater receiver for receiving a signal transmitted by a satellite including national media programs intended for reception in the national broadcast region (figure 1, item 120, receives global and local IPG data sent from satellite 100) and regional media programs (columns 6 and 8, lines 25-29 and 43-50, where the IRD receives regional media programs); a processor for filtering the signal to pass only the regional media programs intended for reception in the one of the plurality of local broadcast regions from the regional media programs (columns 6 and 8, lines 59-64 and 43-50, respectively) by comparing identifiers included in the signal against a local broadcast identifier of the terrestrial repeater (column 8 and 9, lines 43-67 and 1-10, respectively; where every IRD has a specified identifier) ;a repeater transmitter, communicatively coupled to the repeater receiver, for transmitting the passed regional media programs intended for reception in the one of the plurality of local broadcast regions (figure 1, item 110, where given a broad interpretation to the language, the repeater transmitter can be the transmitter from the satellite, which act as repeaters. In addition, the claim language does not indicate if the regional media programs refer to the filtered programs).

Eyer does not specifically teach of a terrestrial repeater.

In related art concerning a method and system for providing geographic specific services in a satellite communications network, Marko teaches of a terrestrial repeater (column 2, lines 25-45, where the repeater receives the information from the satellite and repeats geographically specific information to users).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Eyer's localized delivery system with Marko's terrestrial repeater in order to transmit "geographically targeted data such as local weather forecasts, news, advertisements" to users, as taught by Marko.

Regarding claims 40 and 48, Eyer and Marko teach all the limitations of claims 39 and 47, respectively. Eyer further teaches where the repeater transmitter further transmits national media programs to receivers disposed in the local broadcast region (figure 1, items 1000 and 110, where "global" programming services are transmitted. In addition, the claim language does not indicate if the transmitter is transmitting the information directly; therefore, the prior art reads on it).

Regarding claims 41 and 49, Eyer and Marko teach all the limitations of claims 39 and 47, respectively. Eyer further teaches where the processor further stores and repeats regional media programs (column 9, lines 44-62, and then it displays).

Regarding claims 42, 50 and 57, Eyer and Marko teach all the limitations of claims 39, 49 and 52, respectively. Eyer further teaches where the processor further stores and retransmits regional program guide information at a repetition rate (column 16, lines 34-54, e.g., "Triple_Bundle_Repetition_Frequencies).

Regarding claims 43, 51 and 58, Eyer and Marko teach all the limitations of claims 42, 50 and 52, respectively. Eyer further teaches where the signal comprises media programs intended for reception in a second local broadcast region; and the repetition rate of the regional media programs is selected to utilize a repeater

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transmission capacity that would otherwise have been used to transmit the regional media programs intended for reception in the second local broadcast region (claim 17).

Regarding claim 44, Eyer and Marko teach all the limitations of claim 39. Eyer further teaches where the processor filters the signal to pass only the regional media programs intended for reception in the one of the plurality of local broadcast regions by performing the steps of: scanning metadata of the signal for local broadcast identifiers; and comparing the local broadcast identifiers with the local broadcast identifier of the repeater (column 9, lines 1-36, where the IRD identifier is identified with the data that includes the identifier of the local region (IRD) that corresponds to it for delivery).

Regarding claim 46, Eyer and Marko teach all the limitations of claim 39. Eyer further teaches where the repeater transmitter further transmits the local broadcast identifier to receivers disposed in the local broadcast region (column 8, lines 43-63, where in order to know what data corresponds to each region an identifier is required; e.g., "region identifying data").

Regarding claim 53, Eyer and Marko teach all the limitations of claim 52. Eyer further teaches where the first signal further comprises electronic program guide (EPG) information, and where the system further comprises a receiver having an EPG data module for generating an integrated EPG having the national media programs and only the regional media programs intended for reception in the determined broadcast region (figure 4, e.g., items 400 and 405).

Regarding claim 54, Eyer and Marko teach all the limitations of claim 52. Eyer further teaches where a receiver, disposed in the local broadcast region (figure 1, where receiver 13 is in one of the local broadcast areas), the receiver comprising: a tuner module for receiving the second signal from the terrestrial repeater (figure 1, item 155 receives information from 140, which is terrestrial base), a location module, for determining the local broadcast region (figure 1, item 185).

3. Claims 55 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eyer et al. (Eyer, US Patent no.: 6,160,545 A) in view of and Marko and further in view of Alewine et al (Alewine, US Patent No.: 6,564,143 B1).

Regarding claim 55, Eyer and Marko teach all the limitations of claim 54.

Eyer and Marko teach do not explicitly teach where the location module comprises: a global positioning system (GPS) receiver, for providing receiver position information; and a memory, for storing information relating receiver position information to the local broadcast region.

In related art concerning a method and apparatus for personalizing static and temporal location based services, Alewine teaches where the location module comprises: a global positioning system (GPS) receiver, for providing receiver position information; and a memory, for storing information relating receiver position information to the local broadcast region (column 1, lines 30-38).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Eyer's and Marko's localized delivery system and

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Alewine's gps in order to provide information according to where the receiver is located, as taught by Alewine.

Regarding claim 56, Eyer and Marko teach all the limitations of claim 54.

Eyer and Marko teach do not specifically teach where the location module comprises: a radio broadcast data system (RDBS) compliant tuner for receiving information indicating the local broadcast information.

Alewine teaches where the location module comprises: a radio broadcast data system (RDBS) compliant tuner for receiving information indicating the local broadcast information (column 1, lines 30-38).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Eyer's and Marko's localized delivery system and Alewine's gps in order to provide information according to where the receiver is located, as taught by Alewine.

(10) Response to Argument

In the remarks, the applicant argues in substance:

(A) In page 10, "Marko teaches a repeater that transmits all programs, and a subscriber receiver that filters out the geographically inappropriate programs. This teaches away from the Applicant's invention."

In response to argument (A), the examiner would like to point out where at least in column 4, lines 13-32 and figure 1, Marko teaches where "terrestrial repeaters within each geographical areas 5-8 would transmit same transmitter identification number

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grouping data. this would allow for a nationwide weather channel that would be assigned the same station number, but carried several data streams with their associated geographical identifiers. When a user in geographic area 5 tuned to this channel, the user would only hear the weather information pertinent to geographic area 5 (the current location of the receiver)". Here, the terrestrial receivers receive information related to weather reports, where the channel label can be the same (e.g., channel 4,7, 9, 100); however, the repeaters would filter out and transmit to the users (receivers) only information pertinent to the current location associated with the particular geographic area. Thus, information that is selectively transmitted, is filtered out from the entire information received at the repeater.

(B) In page 11, "As described above Eyer does not teach a repeater, and Marko teaches a repeater that does not filter programs on any basis (filtering is done by the receiver, just as it is in Eyer). Accordingly, the Eyer/Marko combination does not teach the Applicant's invention, and in fact, teaches away from it."

In response to argument (B), the examiner would like to point out where in the Eyer's reference compromises a satellite link meaning, a communication subsystem that involves a link between a transmitter Earth station and a receiving Earth station via a communications satellite, thus a repeater, satellite. Eyer is not specific about a terrestrial repeater; however, Marko teaches such feature. Regarding the filtering an explanation to this limitation has been provided in point (A) above.

(C) Page 12 reads: "...the Applicant does not see how the features of claim 43 are disclosed in claim 17 of the Eyer reference."

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Regarding argument (C), the examiner would like to point out where the disclosure is not clear or rather, it does not describe what the reception rate is, given a broad interpretation, one of ordinary skill in the art can broadly interpret it as a slow rate, low rate, high rate, fast rate, different rate from each other, having a specific numeric value rate; therefore, claim 17 reads on the claim because the reception rate of one region can differ from the rate of a different region due to factors such as hardware, software, environmental or priorities among region (see also column 9, lines 45-49 in the Eyer's reference). In addition, the examiner would like to point out where Marko teaches of at least lower data rates utilized in advertisement (column 4, lines 43-45), where advertisement is scheduled at different times in different regions, thus, different rates at different regions.

(D) Pages 12-13, "This does not disclose that any of the indicated technologies are capable of any of the indicated functions. For example, it is well known that GPS does not allow a person to send e-mails or faxes. The Applicant believes the foregoing statement attributes "receive[ing] real-time traffic information and weather forecasts" to RDB, not navigation, placing telephone calls, receiving personal telephone calls, or sending emails and faxes."

Regarding point (D), the examiner would like to indicate that it is well know where GPS receivers are designed to provide location information. When a vehicle is located using GPS technology, the receiver inside/outside the vehicle is being located in relation to the vehicle. In addition, location of the area of broadcasting can be done by the satellites themselves, while location of specific receivers in a region can be done by

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GPS located at/near the receivers. The examiner has not intended to say that the GPS receivers are used in sending/receiving faxes, e-mails.

In addition, the examiner would like to provide extrinsic evidence to show that GPS technology is capable of locating stationary devices such as set-top-boxes as well as moving vehicles. For set-top-boxes see Denning et al. US 7143289 B2, column 10, lines 24-37.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Conferees:

/Perez M. Angelica/

Examiner, Art Unit 2618

/Duc Nguyen/

Supervisory Patent Examiner, Art Unit 2618

/Matthew D. Anderson/

Supervisory Patent Examiner, Art Unit 2618